

ATTACHMENT 7 – MEMO TO FILE: LT. JARROD DEWITZ, USCG, MAY 12, 2008



NTSB

National Transportation Safety Board

490 L'Enfant Plaza, SW
Washington, DC 20594-0001
www.nts.gov

May 12, 2008

Memo to File

File: Cosco Busan Allision with San Francisco-Oakland Bay Bridge

NTSB No.: DCA08MM004

Re: Status of regulations for non-tank vessel response plans.

On 5/12/08, I contacted Lt. Jarrod DeWitz, U.S. Coast Guard, Non Tank Vessel Response Plan Manager (202-372-1219). He provided the following information concerning the status of non-tank vessel response plan guidance and regulations.

1. The Coast Guard has identified Alaska, Washington, Oregon, California, and Texas that have state specific statutes and regulations in place for non-tank vessel oil spill response plans. This list may not be all-inclusive.
2. The current operative guidance on non-tank vessel response plans is outlined in Navigation and Vessel Inspection Circular No. 01-05 Change 1. This guidance mirrors existing response planning requirements for tank vessels.
3. Since August 2005, the Coast Guard has stated that they will not enforce CGMTA 2004 until regulations are issued and in effect. However, in light of the recent events including the COSCO BUSAN, the Coast Guard is in the process of drafting a Federal Register Notice that will change their enforcement posture. This change will not be begin until 60 days after the Federal Register Notice has been published..
4. Rulemaking is currently being drafted. The Coast Guard has used the tank vessel response plans as a baseline to guide drafting of its NTVRP regulations, but there are areas where nontank vessels will not be applicable.
5. State regulations with regard to non-tank vessel response planning would not be preempted, to the extent that they do not contradict the Federal Water Pollution Control Act.

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RPH-20